

MAR-19-2003 WED 06:01 PM

P. 002

UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MARYLAND

SUMMONS IN A CIVIL CASE

MARY AND DWIGHT LILLER
FOR MICHAEL LILLER
Plaintiff

VS.

Case No.: MJG 02-CV-3391

ROBERT KAUFFMAN AND
JOSEPH RAY KAUFFMAN

Defendant

FILED ENTERED
JUN 11 2002 RECEIVED

NOV 21 2002

TO: Joseph Ray Kauffman
6146 Lincoln Highway
Bedford, PA 15522RECEIVED
U.S. DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BETHESDA, MDYOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's Attorney,
Arnold F. Phillips, P. A., PO Box 537, 25254 Garrett Highway, Suite 4, McHenry,
MD 21541.An answer to the complaint which is herewith served upon you, within 20
days after service of this summons upon you, exclusive of the day of service. If you
fail to do so, judgment by default will be taken against you for the relief demanded
in the complaint. You must also file your answer with the Clerk of this Court within
a reasonable period of time after service.

Patricia C. Caracci

CLERK

Date

11-22-02

R. Dawson
(By) DEPUTY CLERK

Phone number of process server: _____

EXHIBIT

tabbies
A

MAR-19-2003 WED 06:01 PM

P. 003

JD 44
Rev. 12/86)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September, 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THIS FORM.)

I. (a) PLAINTIFFS Mary & Dwight Liller
Michael Liller
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Barrett
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS Robert Kauffman
Joseph Kauffman
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Bedford
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)
Arnold & Phillips 301 387 2800
PO Box 537
My Henry, MD 21541

ATTORNEYS (IF KNOWN) OCT 16 2002AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

02 CV 3391

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only)

- Citizen of This State ☒ PTF ☒ DEF
Citizen of Another State ☐ ☐
Citizen or Subject of a Foreign Country ☐ ☐
Incorporated or Principal of Business in this State ☐
Incorporated and Principal of Business in Another State ☐
Foreign Nation ☐ ☐

IV. ORIGIN

- ☒ Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district ☐ 6 Multidistrict Litigation (specify) ☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 473 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUIT: <input type="checkbox"/> 870 Taxes (U.S. PTF or DEF) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates, etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 830 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Aids <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matter <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fed. Determination Under Equal Access to Justice Act <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Title 28, US Code Section 1332

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 2,750,000CHECK YES only if
JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) (See Instructions)
OPEN OR CLOSED:

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

10.10.02
FOR OFFICE USE ONLY

RECEIPT #

AMOUNT \$

APPLYING IFP

JUDGE

NAG JUDGE

MAR-19-2003 WED 06:02 PM

P. 004

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MARYLAND**

**MARY LILLER and DWIGHT LILLER
INDIVIDUALLY AND AS
AS LEGAL GUARDIANS AND
NEXT FRIEND OF:**

**MICHAEL PAUL LILLER
1798 PLEASANT VALLEY ROAD
OAKLAND, MD 21550**

PLAINTIFFS

VS.

**ROBERT DEAN KAUFFMAN
128 WILEY LANE
NEW PARIS, PA, 15554**

And

**JOSEPH RAY KAUFFMAN
6146 LINCOLN HIGHWAY
BEDFORD, PA 15522**

DEFENDANTS

**COMPLAINT
AND DEMAND FOR JURY TRIAL**

COMES NOW, the Plaintiffs, Mary and Dwight Liller individually and as legal guardians and next friend of Michael Paul Liller, by and through their attorney, Arnold F. Phillips, Esquire, and in support of their Complaint, say as follows:

1. That Plaintiffs, Mary Liller and Dwight Liller are legal guardians and next friend of Michael Paul Liller all of whom are individuals within the Jurisdiction of the Federal District Court of Maryland, residing in Oakland, Maryland.
2. That Defendants, Robert Dean Kauffman and Joseph Ray Kauffman are residents of the State of Pennsylvania.
3. That the acts complained of herein are the result of an automobile accident that occurred in the State of Maryland.

MJG 02-CV 3391

MAR-19-2003 WED 06:02 PM

P. 000

4. That the amount in controversy herein exceeds the jurisdictional requirements for this Court.
5. That on or about the 17th day of April, 2002, Plaintiff Michael Paul Liller was a passenger in an automobile operated by a Mr. Roger Lee Helbig traveling West on Paul Friend Road, near Oakland, Maryland.
6. That at the same time, Defendant, Robert Dean Kauffman was operating a tractor trailer owned by Defendant, Joseph Ray Kauffman, and said driver was exiting from a driveway onto Paul Friend Road.
7. That although Defendant Robert Dean Kauffman was aware of headlights approaching as he was exiting from said driveway, he continued to exit the driveway.
8. That as the vehicle in which Plaintiff was riding crested a hill, Defendants vehicle was across Paul Friend Road impeding the lane of traffic that said vehicle was traveling and also impeding the opposite lane and the shoulder.
9. That contrary to the duties owed to Plaintiff, Defendant was negligent, careless, and reckless in several respects including, failure to yield right-of-way, failure to exercise reasonable and ordinary care to keep a sharp lookout to avoid blocking the right-of-way of Plaintiff.
10. That the vehicle in which Plaintiff was traveling in struck the trailer of Defendant's tractor-trailer and as a direct and proximate result caused several injuries to Plaintiff, including an injury to Plaintiff's brain.
11. That as a direct and proximate result of Defendants negligence, Defendant Robert Dean Kauffman was charged with various traffic charges in the District Court for Garrett County, Maryland.
12. That Defendant Robert Dean Kauffman at all times pertinent herein was operating a tractor trailer owned by Defendant Joseph Ray Kauffman, bearing registration number YDF 3242 of the State of Pennsylvania, further stating that said vehicle is a commercial vehicle and that Defendant Robert Dean Kauffman was acting as an employee of agent of Defendant Joseph Ray Kauffman.

Count one

Plaintiff, Michael Paul Liller, through his guardians and next friend hereby sues Defendant for Negligence further stating:

13. Plaintiffs incorporate paragraphs numbered 1-12 as if fully stated herein.

MAR-19-2003 WED 06:03 PM

P. 000

14. That as a result of the aforementioned accident, Plaintiff, Michael Paul Liller has incurred medical bills, bills for rehabilitation, loss of income, loss of earning capacity, inability to enjoy the normal functions of life, permanent brain injury, loss of memory, pain and suffering, and loss of capacity to make significant decisions regarding his personal and financial affairs.
15. That as direct and proximate a result of Defendants negligence, Plaintiff, Michael Paul Liller had Plaintiffs, Mary and Dwight Liller appointed as his legal guardians through Civil Case # 7257 in the Circuit Court of Garrett County, Maryland.
16. That Plaintiff attaches and incorporates the Order for Guardianship as "Exhibit 1" as if fully stated herein.
17. That as a result of said Guardianship proceeding, Plaintiff has incurred legal expenses and Court costs.

WHEREFORE, Plaintiff, Michael Paul Liller respectfully requests that this Court enter Judgment in excess of Two Million, Five Hundred Thousand Dollars (\$2,500,000) to which he is found to be entitled, together with pre-judgment interest, costs and attorney fees.

Count Two

Plaintiffs Mary and Dwight Liller individually hereby sues Defendants for Negligence, saying as follows:

18. Plaintiffs incorporate paragraphs numbered 1-18 as if fully stated herein.
19. That Plaintiffs Mary and Dwight Liller are the natural parents of Michael Paul Liller, an adult who is 25 years old.
20. That as a result of the aforementioned accident, Plaintiffs applied for and were granted a Guardianship over Michael Paul Liller.
21. That Plaintiffs incurred legal fees, Court costs and expenses relating to said Guardianship.
22. That Plaintiffs have also incurred transportation expenses, loss of services, and lost income as a result of having to act as guardians for Plaintiff, Michael Paul Liller.
23. That Plaintiffs will incur significant expenses in the future relating to the care of Michael Paul Liller.

MAR-19-2003 WED 06:04 PM

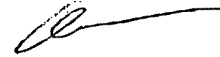
P. 001

24. That all of the damages claimed herein, were directly and proximately caused by the negligence of Defendants.

WHEREFORE, Plaintiffs, Mary and Dwight Liller respectfully requests that this Court enter Judgment in excess of Two Hundred and Fifty Thousand Dollars (\$250,000) to which he is found to be entitled, together with pre-judgment interest, costs and attorney fees.

PLAINTIFFS HEREIN DEMAND A TRIAL BY JURY

Respectfully Submitted



Arnold F. Phillips, Esquire
Attorney for the Plaintiffs
PO Box 537
McHenry, MD 21541
301-387-2800
301-387-2860 Fax